



UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY  
**Caption in Compliance with D.N.J. LBR 9004-1(b)**

809785

**PHELAN HALLINAN DIAMOND & JONES, PC**  
1617 JFK Boulevard, Suite 1400  
Philadelphia, PA 19103  
856-813-5500  
Attorneys for Secured Creditor: JPMorgan Chase  
Bank, National Association

In Re:

Franklin Medina

Order Filed on June 23, 2020  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

Case No: 18-11629 - RG

Hearing Date: 06/30/2020

Judge: Rosemary Gambardella

**CONSENT ORDER RESOLVING OBJECTION TO CONFIRMATION AND  
MOTION FOR RELIEF FROM STAY**

The consent order set forth on the following pages, numbered two (2) through four (4) is hereby **ORDERED**.

**DATED: June 23, 2020**

  
\_\_\_\_\_  
Honorable Rosemary Gambardella  
United States Bankruptcy Judge

**NJID 809785**

**PHELAN HALLINAN DIAMOND & JONES, PC**

1617 JFK Boulevard, Suite 1400

Philadelphia, PA 19103

856-813-5500

Attorneys for JPMorgan Chase Bank, National Association

**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEW JERSEY**

**IN RE:**

FRANKLIN MEDINA

CASE NO. 18-11629 - RG

Debtor

CHAPTER 11

CONSENT ORDER RESOLVING  
OBJECTION TO CONFIRMATION AND  
MOTION FOR RELIEF FROM STAY

HEARING DATE: 06/30/2020

This Consent Order pertains to the property located at 212 214 65th Street, West New York, NJ 07093, mortgage account ending with "1023";

**THIS MATTER** having been brought before the Court by Carlos D Martinez, Esquire attorney for Debtor, Franklin Medina, upon the filing of a Chapter 11 Plan and Disclosure Statement, JPMorgan Chase Bank, National Association ("Secured Creditor") by and through its attorneys, Phelan Hallinan Diamond & Jones, PC having filed an Objection to the Confirmation of said Chapter 11 Plan and Disclosure Statement and the Parties having subsequently resolved their differences regarding Debtor's Plan and Disclosure Statement, and Secured Creditor's Motion for Relief from Stay; and the Court noting the consent of the Parties to the form, substance and entry of the within Order; and for other and good cause shown:

**IT IS ORDERED as follows:**

1. The Parties agree that this Agreement is made part of the Debtor's Chapter 11 Plan and any Confirmation Order.
2. Secured Creditor's pre-petition arrearages amount to **\$14,990.93**, as set forth in Proof of Claim No. 12, filed on June 5, 2018.
3. The status of the post-petition arrearages are as follows:
  - (a) The Debtor is overdue for 9 months, from **October 1, 2019 to June 1, 2020**;
  - (b) The Debtor is overdue for 9 payments at **\$2,854.20** per month;
  - (d) Secured Creditor acknowledges suspense funds in the amount of **\$908.96**;

(e) The total amount of post-petition arrearages due is **\$24,778.84**

4. Debtor must cure all pre-petition and post-petition arrearages due to Secured Creditor in the total amount of **\$39,769.77** as follows:
  - (a) The amount of **\$39,769.77** shall be repaid by the Debtor in equal installments over 60 months; beginning on **July 1, 2020** in the amount of **\$662.83** for **59** months, plus **one (1)** final payment in the amount of **\$662.80**, until the total amount of **\$39,769.77** is paid by Debtor to Secured Creditor. The amount of **\$39,769.77** shall supersede the amount listed in Debtor's Chapter 11 Plan and Disclosure Statement;
  - (b) Beginning on **July 1, 2020**, regular monthly mortgage payments shall continue to be made to Secured Creditor;
  - (c) Nothing in this Agreement shall change the terms and conditions set forth in Debtor's Mortgage and/or Note.

5. Payments to the Secured Creditor shall be made to the following address(es):

**Regular Monthly payment:**

Chase Home Finance, LLC  
Mail Code: OH4-7302  
3415 Vision Drive  
Columbus, OH 43219

**Monthly Cure Payment**

Chase Home Finance, LLC  
Mail Code: OH4-7302  
3415 Vision Drive  
Columbus, OH 43219

6. Upon Confirmation of Debtor's Chapter 11 Plan, Secured Creditor shall have relief from the Automatic Stay. In the event of a default of the payments set forth in paragraph 4, or any other payment(s) that become due and owing under the Mortgage and Note contract, Secured Creditor shall provide the Debtor and/or Debtor's counsel with a Notice of Default as required by state law, and then may proceed with its state court rights.
7. In the event of a default on payments to Secured Creditor under the terms of this Agreement prior to the entry of the Confirmation Order, Secured Creditor, upon any such payment being five (5) business days late, may file a Certification of Default with the Court, on notice to the Debtor, Debtor's counsel, and the United States Trustee.

8. In the event the Debtor converts to a Chapter 7 during the pendency of this bankruptcy case, the Debtor shall cure all arrears within ten (10) days from the date of conversion in order to bring the loan contractually current. Should the Debtor fail to bring the loan contractually current, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 11 Trustee, the Debtor, and Debtor's attorney, and the Court shall enter an Order granting relief from the Automatic Stay.
9. Upon dismissal of the instant bankruptcy case, the foregoing terms and conditions shall cease to be binding, payments will be due pursuant to the terms of the original loan agreement and Secured Creditor may proceed to enforce its remedies under applicable non-bankruptcy law against the Real Property and/or against the Debtor.
10. Debtor agrees to incorporate the above agreed terms of lien treatment into any and all existing and future proposed original or modified Chapter 11 Plans of Reorganization through exact language stating the Treatment of Class 3 as set forth above, and by incorporating a copy of this entered Consent Order as an Exhibit to the Confirmation Order approving the Plan; and the Secured Creditor in turn agrees that it accepts the Plan provided that this language is included in the Plan and Confirmation Order; it is agreed that if any terms in Debtor's Chapter 11 Plan conflict with the terms of this Consent Order, the terms of this Consent Order will control.

The undersigned hereby consent to the form,  
Content and entry of the within Order:

**PHELAN HALLINAN DIAMOND & JONES, PC**  
Attorneys for Secured Creditor:  
**JPMORGAN CHASE BANK, NATIONAL ASSOCIATION**

/s/ Melanie Grimes  
Melanie Grimes, Esq.  
Phelan Hallinan Diamond & Jones, PC  
1617 JFK Boulevard, Suite 1400  
Philadelphia, PA 19103  
Tel: 856-813-5500 Ext. 46245  
Fax: 856-813-5501  
Email: Melanie.Grimes@phelanhallinan.com

Dated: 06/04/2020

/s/ Carlos D Martinez  
Carlos D Martinez, Esquire  
Attorney for Debtor

Dated: 06/16/2020

Certificate of Notice Page 5 of 5  
United States Bankruptcy Court  
District of New JerseyIn re:  
Franklin Medina  
DebtorCase No. 18-11629-RG  
Chapter 11

## CERTIFICATE OF NOTICE

District/off: 0312-2

User: admin  
Form ID: pdf903Page 1 of 1  
Total Noticed: 2

Date Rcvd: Jun 23, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jun 25, 2020.

db +Franklin Medina, P.O. Box 1502, Paramus, NJ 07653-1502  
atty +Scura, Wigfield, Heyer, Stevens & Cammarota, LLP., 1599 Hamburg Turnpike, P.O. Box 2031, Wayne, NJ 07474-2031Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
NONE. TOTAL: 0

## \*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.****Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Jun 25, 2020

Signature: /s/Joseph Speetjens

## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on June 23, 2020 at the address(es) listed below:

Carlos D Martinez on behalf of Debtor Franklin Medina cmartinez@scura.com, ecfbkfilings@scuramealey.com;dstevens@scura.com;lrichard@scura.com;lleon@scura.com;martinezcr93878@notify.bestcase.com

David L. Stevens on behalf of Debtor Franklin Medina dstevens@scura.com, ecfbkfilings@scuramealey.com;lrichard@scura.com;lleon@scura.com;martinezcr93878@notify.bestcase.com

Denise E. Carlon on behalf of Creditor Toyota Motor Credit Corporation dcarlon@kmllawgroup.com, bkgroup@kmllawgroup.com

Joel R. Glucksman on behalf of Creditor City of Union City jglucksman@sh-law.com, rjoyce@sh-law.com

Joel R. Glucksman on behalf of Creditor Town of West New York jglucksman@sh-law.com, rjoyce@sh-law.com

John R. Morton, Jr. on behalf of Creditor Ally Financial ecfmail@mortoncraig.com, mortoncraigecf@gmail.com

Jonathan C. Schwab on behalf of Creditor SN Servicing Corporation bankruptcy@friedmanvartolo.com

Laura M. Egerman on behalf of Creditor Wells Fargo Bank, National Association, as Trustee for Banc of America Alternative Loan Trust 2006-4 Mortgage Pass-Through Certificates, Series 2006-4 bkyecf@rasflaw.com, bkyecf@rasflaw.com;legerman@rasnj.com

Laura M. Egerman on behalf of Creditor New Residential Mortgage LLC bkyecf@rasflaw.com, bkyecf@rasflaw.com;legerman@rasnj.com

Melanie Carmela Grimes on behalf of Creditor JPMORGAN CHASE BANK, NATIONAL ASSOCIATION nj.bkecf@fedphe.com

Nicholas V. Rogers on behalf of Creditor JPMORGAN CHASE BANK, NATIONAL ASSOCIATION nj.bkecf@fedphe.com

Rebecca Ann Solarz on behalf of Creditor Toyota Motor Credit Corporation rsolarz@kmllawgroup.com

Robert P. Saltzman on behalf of Creditor MTGLQ Investors, LP c/o Selene Finance LP dnj@pbslaw.org

Sherri Jennifer Smith on behalf of Creditor JPMORGAN CHASE BANK, NATIONAL ASSOCIATION nj.bkecf@fedphe.com, nj.bkecf@fedphe.com

U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 15